

REMARKS

This amendment is filed in response to the Final Office Action dated March 17, 2006. In view of this amendment, this application should be allowed and the case passed to issue. No new matter is introduced by this amendment. The amendment to claim 1 fully supported by the specification on pages 5-7 and the accompanying Figures. The amendment to claim 1 merely clarifies the claim and does not narrow the scope of the claim.

Claims 1-6, 8, and 10 are pending in this application. Claims 1-8, 10, and 12-23 are rejected. Claim 1 has been amended in this response. Claims 7, 9, and 16-23 were canceled in this response.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-8, 10, and 12-15 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner averred that the specification does not describe the steps of alternately repeating the steps of forming said first insulating film and forming said second insulating film. The Examiner further asserted that one of skill in the art would not be able to form more than one said first and second insulating film.

Claims 1-8, 10, and 12-15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the steps of forming said first insulating film and forming said second insulating cannot be alternately repeated because said first insulating film and said second insulating film are already formed before alternately repeating the steps.

These rejections are traversed, and reconsideration and withdrawal thereof respectfully requested. The claims are fully enabled and definite when interpreted in light of the specification, including the disclosure on pages 6 and 7 of the specification and the accompanying Figures. One of ordinary skill in this art would recognize that the claims are

enabled and definite, as demonstrated by the Examiner's indication during the telephone interview of October 27, 2005, that he understood what Applicant intended to claim.

35 U.S.C. 112, requires that the claims particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant (MPEP § 2171).

Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire. Examiners are encouraged to suggest claim language to applicants to improve the clarity or precision of the language used, but should not reject claims or insist on their own preferences if other modes of expression selected by applicants satisfy the statutory requirement.

The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity.

Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

(A) The content of the particular application disclosure;

(B) The teachings of the prior art; and

(C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made. (MPEP 2173.02) (emphasis added).

Applicant traverses the Examiner's attempt to hold Applicant to higher standard than that permitted by the statute. Applicant submits that the claims, as previously presented, meet the requirements of 35 U.S.C. § 112.

However, in order to advance the prosecution of this application, Applicant has amended claim 1 to further clarify that a third insulating film and fourth insulating film are formed. It is clear to one of ordinary skill in this art, in light of the instant specification that "forming a third insulating film same as said first insulating film" and "forming a fourth insulating film same as said second insulating film" means that the third insulating film is formed under the same conditions as the first insulating film and the fourth insulating film is formed under the same conditions as the second insulating film. Embodiments of the conditions for forming different insulating films are disclosed on pages 5-7 of the specification.

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Applicant submits that all the claims fully comport with the requirements of 35 U.S.C. § 112.

Claim Rejections Under 35 U.S.C. § 102

Claims 16-23 were rejected under 35 U.S.C. § 102(a) as being anticipated by Chwa (U.S. Pat. No. 6,399,443). This rejection is traversed, and reconsideration and withdrawal thereof respectfully requested.

Claims 16-23 have been canceled, therefore, this rejection is moot.

In view of the above amendments and remarks, Applicant submits that this case should be allowed and passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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